

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 830 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

JAYPRAKASH BIPINCHANDRA CHOKSHI

Appearance:

PUBLIC PROSECUTOR for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE R.P.DHOLAKIA

Date of decision: 10/03/98

ORAL JUDGEMENT (Per B.C.Patel, J)

For charging Rs.6.21 ps the accused came to be prosecuted under section 3 read with 7 of the Essential Commodities Act and offence punishable under Section 21 of the Drug Price Control Act. The plea is recorded in 1995. The learned Trial judge on appreciation of evidence has held that the person who purchased the

medicine has not identified the person. He was not able to say as to who gave the medicine. Not only that but as to the person who gave the medicine was a servant or a partner of the firm. Witness Chandrakant Officer of the Department who investigated the case in his preliminary inquiry came to the conclusion that the accused was in the firm. However, it is also clear from the evidence that he is not able to state whether the accused is a partner or a pharmacist. He has no personal knowledge about the person who charged more amount than prescribed under the rules from the complainant. In the absence of any evidence connecting the accused with the firm the trial judge gave benefit of doubt and we do not find any reason to interfere with the order of acquittal recorded by the learned Special Judge. Hence the appeal stands dismissed.

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